

**REMARKS**

Claims 12 to 35 are pending in the present application.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 24 and 26 were rejected under 35 U.S.C. § 112, second paragraph, as to antecedent issues.

These claims (and claim 31) have been rewritten to correct the antecedent basis. Applicants therefore respectfully request that the rejections be withdrawn.

Claims 12 to 14 and 16 to 35 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2003/0195676 ("Kelly").

As regards the anticipation rejections of the claim, to reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the prior Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejection, to the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art." (*See* M.P.E.P. § 2112; emphasis in original; and *see Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

Claim 34 includes the features in which "at least two computers . . . perform different tasks, a distribution of the tasks among the at least two computers being performed in accordance with a significance of functions for guidance of the vehicle," in which a "first one of the computers includes functions related to driving, wherein a second one of the computers

includes functions not related to driving,” and in which a “*critical function related to driving is routed to the second one of the computers via the one predefined interface.*”

The emphasized feature was not addressed in any way – since it is not disclosed in the Kelly reference. The Final Office Action has erroneously characterized “a distribution of the tasks among the at least two computers being performed in accordance with a significance of functions for guidance of the vehicle” as being somehow disclosed by wholly separate devices 16 (cellular telephone) and 17 (GPS). However, even if this were so (which is not conceded), the fact that two devices may process their own tasks does not disclose the claim feature in which “a critical function related to driving is routed to the second one of the computers via the one predefined interface.”

For at least this reason, claim 34 is allowable.

Claims 12, 23, 33, and 35 include features similar to those discussed above with respect to claim 34, and they are therefore allowable for at least the same reasons, as are their dependent claims 13, 14, 16 to 22, and 24 to 32.

As further regards dependent claim 21, the Kelly reference does not identically disclose (or even suggest) the feature in which “the first computer gives computing-intensive tasks to the second computer, and the first computer executes the computer-intensive tasks if the second computer is not available.” As to Fig. 2, elements 18 and 14, 16, 17, 19 and Fig. 5, element 48, none of the cited elements “gives computing-intensive tasks to the second computer.” Element 48 is cited as “the second computer,” but none of the elements receives *any* tasks from another computer. Also, element 48 is *outside* the vehicle, while claim 12 recites “a computer system in a vehicle,” which includes “at least two computers that perform different tasks.” The Office cites paragraph 66, which only discusses element 18, and says “[w]hen performing a task, the operator must bring the vehicle 11 to a stop as a safety precaution.” This is wholly unrelated to the feature of “a first computer giv[ing] computing-intensive tasks to the second computer, and the first computer executes the computer-intensive tasks if the second computer is not available.” The only place element 48 is discussed is in paragraph 52, and no mention is made of any other element (e.g., 18) giving any tasks to element 48.

This separate argument for claim 21 was presented in the previous response, but was wholly ignored in the present Final Office Action. It is therefore respectfully requested, in

the absence of allowance, that a new non-Final Office Action be issued that properly addresses this point. (*See* MPEP § 707.07(f)).

Claim 15 was rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Application No. 2003/0195676 (“Kelly”), in view of U.S. Patent Application No. 2008/0034409 (“O’Rourke”).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Paragraph 0038 of O’Rourke generally indicates that the gateway can handle all sorts of network traffic, including “location services (global positioning system (GPS) architectures, navigation, traffic conditions), and value added services (news, weather, sports, game, entertainment, music, etc.) for example.” A gateway handling network traffic from several types of devices, however, simply does not in any disclose “a GPS unit . . . integrated with an entertainment unit,” in which the “non-driving-related functions are entertainment-specific functions.”

For at least this further reason, claim 15 is allowable. Additionally, claim 15 depends from claim 12, and O'Rourke does not cure the deficiencies of Kelly, as explained above in the context of claim 12.

Accordingly, claims 12 to 35 are allowable.

**CONCLUSION**

It is therefore respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

Dated: \_\_\_\_\_

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By: \_\_\_\_\_

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